

## REMARKS

Claims 1-37 are cancelled. Claims 38 and 44-51 are amended. Claims 52-55 are new. As a result, Claims 38-55 remain pending the application.

### Rejection of Claims 38 under 35 USC §102

Independent Claim 38 stands rejected under 35 USC §102 as anticipated by U.S. Patent number 5,712,932 (Alexander).

Independent claim 38 is directed to an add/drop apparatus. The apparatus includes a switch configured to receive a plurality of optical channels and to direct the optical channels such that the optical channels are received by a channel selector or such that the optical channels bypass the channel selector and are received at an output node. The apparatus includes a channel selector configured to transmit a first channel to an add/drop node and a second channel to an output node when in a first channel mode and to transmit the second channel to the add/drop node and the first channel to the output node when in a second channel mode.

“To anticipate a claim, the reference must teach every element of the claim.” See MPEP §2131. Alexander teaches “an optical switch ... having a closed position ... and a bypass position.” “In the closed position, the optical signals travel through an optical path which is intersected by an optical filter.” The filter “includes at least one Bragg grating configured to select an optical channel wavelength for reflection back through port 74.” See column 6, lines 22-32, *emphasis added*. Because the optical channels are reflected back through port 74, the reflected channels travel from the filter to the switch along the same path they had originally traveled from the switch to the filter. In contrast, Independent Claim 38 is amended to specify that the “optical path along which the channels travel from the channel selector to the add/drop node (is) separate from the optical path along which the channels travel from the switch to the channel selector.” As a result, Alexander does not teach each element of the claims and does not anticipate Independent Claim 38.

### Rejection of Claim 51 under 35 USC §103

Independent Claim 51 stands rejected under 35 USC §102 as being obvious in view of U.S. Patent number 5,712,932 (Alexander).

Independent Claim 51 is directed to a method for operating an add/drop apparatus. The method includes directing a plurality of optical channels from an optical switch to a channel selector which is configured to direct a portion of the optical channels to an output node and to direct another portion of the optical channels to an add/drop node. The method also includes operating the switch so as to direct the optical channels from the switch to the output node along an optical path that bypasses the channel selector.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim limitations. See MPEP §2142. Alexander teaches “an optical switch ... having a closed position (where) optical signals travel through an optical path which is intersected by an optical filter.” As noted above, the filter reflects channels that travel from the filter to the switch along the same path they had originally traveled from the switch to the filter. However, Independent Claim 51 is amended to specify directing a portion to the “optical channels to an add/drop node along a path separate from the path the channels traveled from the switch to the channel selector.” As a result, Alexander neither teaches nor suggests each element of Independent Claim 51 and accordingly does not support a prima facie case of obviousness.

### Rejection of Claims 39-50 under 35 USC §102 and 35 USC §103

Claims 39-50 were rejected as being unpatentable over U.S. Patent number 5,712,932 (Alexander). It is submitted that because Dependent Claims 39-50 depend from Independent Claim 38, which should now be in condition for allowance, these claims must also be patentable.

## CONCLUSION

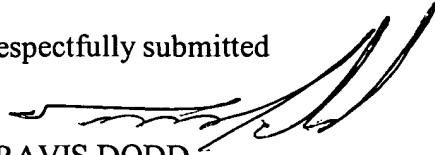
In light of the Amendments and arguments set forth above, Applicants believe they are entitled to a letters patent. The Examiner is encouraged to telephone the undersigned with any questions.

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Respectfully submitted



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